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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/533,344 Confirmation No.: 7511

Applicant(s): Pabst

Filed: 11/21/2005

Art Unit: 2833

Examiner: Vu, Hien D.

Title: Connector for Flexible Flat Strip Cables

Attorney Docket No.: 003D.0059.U1(US)

Customer No.: 29,683

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Response To Telephone Conference With Examiner

Sir:

This is in response to telephone conversations with the examiner on August 14, 2007 in regard to the above-identified patent application.

**Statement Concerning Common Ownership**

Geltsch et al. (US 6,773,288) is not a proper reference under 35 U.S.C. §103(a). The present application is a national stage application of an International Application filed on October 23, 2003. Geltsch et al. did not issue until August 10, 2004. Geltsch et al. and the present application were, at the time the invention of the present application was made, commonly owned. Thus, Application No. 10/533,344 (the present application) and U.S. Patent No. 6,773,288 (Geltsch et al.) were, at the time the invention of Application No. 10/533,344 was made, owned by FCI. The examiner is directed to MPEP

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§706.02(l)(2). In accordance with MPEP §706.02(l)(2)(II), it is understood that this statement alone is sufficient evidence to disqualify Geltsch et al. (US 6,773,288) from being used in a rejection under 35 U.S.C. §103(a) against the claims of the present application. In accordance with MPEP §706.02(l)(2)(II), Applicant(s) are not required to submit further evidence unless the examiner is aware of a "rare instance". Thus, the examiner is requested to withdraw the rejections based upon Geltsch et al. (US 6,773,288) or indicate what the "rare instance" is.

The examiner is wrong to consider the prior statement (filed in the Amendment of 8/1/2007), regarding common ownership of Geltsch et al. (US 6,773,288) and the present application, as being insufficient because MPEP §706.02(l)(2)(II) clearly states:

Applications and references... will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

This was done in the Amendment of 8/1/2007.

Furthermore, merely because MPEP §706.02(l)(2)(II) states that:

The statement concerning common ownership should be clear and conspicuous (e.g., on a separate piece of paper or in a separately labeled section) in order

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to ensure that the examiner quickly notices the statement.

this is not a justification for the examiner to ignore the statement merely because it is not on a separate piece of paper or in a separately labeled section. In this case the examiner clearly admitted in the telephone conversation with the undersigned that he noticed the statement.

There is no justifiable reason why the examiner should not have accepted the statement regarding common ownership in the amendment filed 8/1/2007. However, to avoid abandonment and preserve the right for appeal, if required, please charge deposit account 50-1924 for any extension of time petition fee required to keep the present application pending.

Respectfully submitted,

Mark F. Harrington  
Mark F. Harrington (Reg. No. 31,686)

8/14/07  
Date

Customer No.: 29683  
Harrington & Smith, PC  
4 Research Drive  
Shelton, CT 06484-6212  
203-925-9400

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

8/14/07  
Date

Mark F. Harrington  
Name of Person Making Deposit